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10/664,244

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Kinya Washino

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EXAMINER

SALCE, JASON P

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,244	<b>Applicant(s)</b> WASHINO, KINYA	
	<b>Examiner</b> Jason P. Salce	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/04 and 12/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of claims 10 and 28 in the reply filed on 3/27/2008 is acknowledged. The traversal is on the ground(s) that claims 10 and 18 are dependent from claim 1. This is found persuasive.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3/19/2004 and 12/13/2005 were filed after the filing date of the instant application on 9/17/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

Claim 2 is objected to because of the following informalities: The claim states a digital camera of other capture devices, the examiner notes that "of" should read "or". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-9, 11, 13-14, 16-17, 19-23, 25-27, 29, 31-32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of Anand et al. (U.S. Patent No. 6,920,179).

Referring to claim 1, Kumagai discloses a high-quality, reduced data rate digital video system (**see Figures 1-2 and using MPEG encoded video signals at Column 4, Lines 10-17 to achieve a reduced rate video signal**).

Kumagai also discloses a source of streaming video programs (**see MPEG encoder 34 in Figure 2**).

Kumagai also discloses a video server in communication with the source for storing the program (**see high-compressed video server 31 and high-compressed video streamer 35 in Figure 2**).

Kumagai also discloses one or more computers in network communication with the video server for locally displaying the program or portions thereof (**see client 52, production devices 51A/51B and post production devices 40A/40B**).

Kumagai fails to disclose that the streaming video program has a progressive-scanned image with a frame rate of less than substantially 24fps.

Anand discloses transmitting a video signal encoded in a progressive video coder so as to generate a progressive coded video bit stream for transmission over a heterogeneous network (**see Abstract, Figure 1 and Column 1, Lines 23-25**). Anand also discloses that the video signal has a frame rate of less than substantially 24fps (**see Figure 2 and Column 5, Lines 11-20**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal transmitted within video transmission network, as taught by Kumagai, using the scaled down frame rate video signal distribution process, as taught by Anand, for the purpose of providing an efficient general framework for video transmission over a heterogeneous network, which allows bit rate scalability, adaptability across different network conditions and graceful degradation in the presence of channel errors (**see Column 3, Lines 3-9 of Anand**).

Claim 2 corresponds to claim 1, where Kumagai further teaches that the source is a digital camera or other capture device (see step ST1 in Figure 5 for shooting video).

The examiner notes that Kumagai and Anand fail to specifically disclose a digital or analog camera.

The examiner takes Official Notice to the fact that digital camera are well known to provide digital video to a video distribution system.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to shoot video with a digital camera, as taught by the examiner's Official Notice, for the purpose of providing a higher-quality video signal to be processed by computer and further require less storage space to store the higher-quality video signals on the computers storage device..

Claim 3 corresponds to claim 1, where Anand further discloses that the streaming video program has a data rate of 10Mbps or less (**see Figure 3 and Column 7, Lines 43-53**).

Claim 4 corresponds to claim 1, where Anand further discloses that the streaming video program has a data rate in the range of 200K to 6Mbps (**see Figure 3 and Column 7, Lines 43-53**).

Claim 5 corresponds to claim 1, where Kumagai further includes editing capability for manipulating the program stored on the server (**see Column 5, Line 30 through Column 6, Line 27**).

Claim 7 corresponds to claim 5, where Kumagai further teaches that the program editing capability supports the generation of an edit decision list (**see Column 5, Line 30 through Column 6, Line 27**).

Claim 8 corresponds to claim 5, where Kumagai discloses program editing capability for PC nonlinear editing according to an EDL (**see the rejection of claim 7**), but fails to teach the conversion of an AVI file.

The examiner takes Official Notice to the fact that it is well known to convert AVI files to different types of formats.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video format of the video signals used in the editing process, as taught by Kumagai and Anand, using the AVI conversion, as taught by the examiner's Official Notice, for the purpose of allowing a non-linear editing system to easily processing video files loaded into the program for editing.

Claim 9 corresponds to claim 1, where Kumagai further discloses a computer in network communication with the video server to display the program using a media player **(see client device 52 in Figure 3 and Column 3, Lines 26-32 and further note that since the client device 52 is capable of displaying the received video signal, the client device must inherently contain software to decode and display the video signal, therefore Kumagai inherently teaches a media player).**

Claim 11 corresponds to claim 1, where Anand further discloses that the frame rate is varied in response to externally generated commands **(see Column 6, Lines 11-19).**

Claim 13 corresponds to claim 2, where Anand further discloses that the frame rate is varied in response to operated generated commands **(see Column 6, Lines 11-19).**

Claim 14 corresponds to claim 1, Kumagai discloses that the locally displayed program or portions thereof are in the same format as the streaming video program received from the source (**see Column 4, Lines 10-22 for providing to the video system in the MPEG format**).

Claim 16 corresponds to claim 1, where Kumagai further discloses including a personal computer based monitor for the streaming video program received from the source (**see client device 52 in Figure 3 and Column 3, Lines 26-32**).

Claim 17 corresponds to claim 1, where Kumagai further discloses that the streaming video program is received through a network connection (**see network 20 for transmitting video from servers 31/32 in Figure 1**).

Referring to claims 19-23, 25-27, 29, 31-32 and 34-35, see the rejection of claims 1-5, 7-9, 11, 13-14 and 16-17, respectively.

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of Anand et al. (U.S. Patent No. 6,920,179) in further view of Jain et al. (U.S. Patent No. 6,144,375).



Referring to claim 6, Kumagai and Anand disclose all of the limitations in claim 5, but fail to teach that the program editing capability facilitates frame-by-frame control, including variable, bi-directional playback.

Jain discloses a non-linear editing system that allows users to facilitate frame-by-frame control, including variable, bi-directional playback (**see Figure 7 and Column 25, Line 58 through Column 26, Line 25**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the editing capability, as taught by Kumagai and Anand, using the non-linear editing capabilities, as taught by Jain, for the purpose of allowing a user to easily and flexibly interact with a fully linked video, audio and data database in an intuitive and straightforward manner (**see Column 4, Lines 51-54 of Jain**).

Referring to claim 24, see the rejection of claim 6.

Claims 10, 15, 18, 28, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of Anand et al. (U.S. Patent No. 6,920,179) in further view of Esbensen (U.S. Patent No. 7,124,427).

Referring to claim 10, Kumagai and Anand disclose all of the limitation in claim 1, as well as Kumagai teaching a computer in network communication with the video server operative to display programs (**see the rejection of claim 9**), but fail to teach that the source includes multiple camera outputting different programs and that the

computer can display multiple programs in separate windows as part of a surveillance system.

Esbensen discloses a surveillance system that receives video image from multiple cameras (**see Figures 1-2 and Column 4, Lines 23-41**) and can display those images in multiple windows on a display screen (**see clients 40 in Figure 1 and Column 10, Lines 34-41 for displaying multiple windows for displaying different surveillance cameras captured video**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video transmission/distribution system, as taught by Kumagai and Anand, to utilize the surveillance system components, as taught by Esbensen, for the purpose of capturing image data from a number of digital cameras and make that data available to viewers in a variety of different ways (**see Column 2, Lines 19-22 of Esbensen**).

Referring to claim 15, see the rejection of claim 10 and further note that Esbensen discloses computer based control of the camera/input device (**see Column 5, Lines 48-52**).

Referring to claim 18, see the rejection of claim 10 and further note that Esbensen discloses that the video server includes an optical storage medium (**see Column 9, Lines 23-27**).

Referring to claims 28, 33 and 36, see the rejection of claims 10, 15 and 18, respectively.

Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. Patent No. 6,952,804) in view of Anand et al. (U.S. Patent No. 6,920,179) in further view of Amini et al. (U.S. Patent No. 6,698,021)..

Referring to claim 12, Kumagai Anand disclose all of the limitation in claim 2, but fail to teach varying the frame rate based on camera-generated commands.

Amini discloses changing the frame rate based on a camera-generated command (**see Figure 9C and Column 14, Lines 42-45 for changing the options “Images Per Second”**).

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the editing and distribution system, as taught by Kumagai and Anand, using the frame rate control option, as taught by Amini, for the purpose of enabling the user to control viewing of archived video images that have been retrieved an image database (**see Column 14, Lines 28-30 of Amini**).

Referring to claim 30, see the rejection of claim 12.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2623

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June 26, 2008